

**TOWN OF BENNETT, COLORADO**  
**BOARD OF TRUSTEES**  
**Regular Meeting**  
**September 9, 2014**

---

**1. CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, September 9, 2014 at the Bennett Town Hall, 355 4<sup>th</sup> Street, Bennett, Colorado. Mayor Sue Horn called the meeting to order at 7:04 p.m. The following persons were present upon the call of the roll:

Mayor: Sue F. Horn

Trustees Present: Charles Bayley  
Grider Lee  
Jim Pieters  
Royce Pindell - *Absent*  
Eric Ricke - *Resigned from Board of Trustees, August 26, 2014*  
Larry Vittum

Staff Present: Melinda Culley, *Town Attorney*  
Daymon Johnson, *Public Works Director*  
Trish Stiles, *Town Administrator*  
Lynette F. White, *Town Clerk*

Public Present: Carol Swanson, Deb Tapparo, Linda Burry, Steven Vetter, Dan Giroux, Keith Yaich, Sharon Hall, Kurt Eanes, Roger Buessing, Lynn Reddell, Joyce Buessing

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Sue Horn.

**3. APPROVAL OF AGENDA**

TRUSTEE BAYLEY MOVED, TRUSTEE VITTUM SECONDED to approve the agenda as presented. The Mayor declared the motion carried by unanimous vote.

**4. CONSENT AGENDA**

TRUSTEE BAYLEY MOVED, TRUSTEE VITTUM SECONDED to approve the Consent Agenda as presented. Voting was as follows:

YES: Bayley, Horn, Lee, Pieters, Vittum  
NO: None  
ABSENT: Pindell

The Mayor declared the motion carried by unanimous vote.

**A. Approval of Minutes**

1. Action: Approve regular meeting minutes of August 26, 2014

**B. Resolution**

1. Action: Approve Resolution No. 570-14 – A Resolution Supporting the Grant Application for a School Play Yard Grant from the State Board of the Great Outdoors Colorado Trust Fund and the completion of the Bennett Elementary School Active School Yard Project

**5. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Sharon Hall, Anythink Library, addressed the Board regarding the 5<sup>th</sup> Anniversary Celebration for Anythink Library and the activities scheduled for Friday, September 12, 2014 at the Bennett Anythink Library location.

**6. REGULAR BUSINESS**

**A. Action/Discussion Items**

**1. Board of Trustees Vacancy**

Melinda Culley, Light, Kelly, P.C., presented options to fill the vacancy on the Board created by the resignation of Trustee Eric Ricke on August 26, 2014.

The rule for statutory towns is that a vacancy on the Board of Trustees may be filled by the Board either appointing a successor or ordering a special election for the election of a successor. In either case, the new Trustee would serve until the next regular election, which is in April 2016. If the Board does not appoint a successor or call an election within 60 days (i.e., by October 25), it must order an election. These options are outlined in C.R.S. § 31-4-303, a copy of which is attached.

Under the Municipal Election Code, a special election must be called at least thirty days in advance. A special election cannot be held within the 32 days before a general election, but a special election may be held on the same date as a general election as a coordinated election. Because there will be a general election on November 4, 2014, the Board's options regarding the current vacancy are either to: (1) appoint a person to fill the vacancy; or (2) by no later than October 5, order a special election to fill the vacancy with the election to be held on November 4 as a coordinated election.

If the Board chooses to fill its vacancy by appointment, the Board can direct staff to post notice of the vacancy, to accept applications for the vacancy, and to forward the applications to the Board for consideration. Alternatively, the Board can appoint a Trustee without receiving applications. .

By general consent the Board directed Town Staff to publish and post notice of the Board vacancy beginning September 12, 2014 through September 30, 2014. Applications must be returned by 5:00 p.m., Friday, October 3, 2014. An open house to meet the applicants will be conducted on Tuesday, October 14, 2014 prior to the study session and the applicants will make a presentation to the Board of Trustees during the regular meeting.

## **2. Marijuana Cultivation Issues**

Melinda Culley, Light, Kelly, P.C. provided a summary on marijuana cultivation issues which included the Town's current ordinances regulating the cultivation of marijuana; state laws related to cultivation and the Town's options for further regulating the cultivation of marijuana.

Ms. Culley discussed the differences between medical marijuana cultivation and marijuana cultivation for personal use, and the regulations that may be adopted by local municipalities to further regulate growing medical marijuana in a residential setting.

Members of the public in attendance inquired about the Town's current ordinances, changes to the ordinances, restrictions on the number of plants, and greenhouse cultivation.

The Board directed that this issue be given to the Police Services Committee for further research, discussion and work with the Sheriff's Office to obtain the law enforcement perspective. In addition, the suggestion was made to conduct Town Hall meetings to obtain public input.

## **7. TOWN STAFF REPORTS**

### **Town Clerk**

Lynette White, Town Clerk, provided the following;

- Bennett Days Board Activities
- Adams County Executive Committee Breakfast, September 19, 2014
- Arapahoe County Mayors and Managers Breakfast - *Canceled*
- Colorado Municipal League Mayors Summit, September 11, 2014

### **Town Administrator**

Trish Stiles, Town Administrator, discussed the following;

- Introduction of Daymon Johnson, Public Works Director
- Request from Hope Chapter/Eastern Star for a refund of building permit fee
- New Media Specialist, Joshua Baker – Ms. Biesemeier will remain as a contract employee during the website conversion
- Well No. 6 Funding update
- Setting a date for the Board of Trustees Retreat
- Attendance at the ICMA Conference, September 14 – 17, 2014
- Banner placement at the Bennett Recreation Center

**8. TRUSTEE COMMENTS AND COMMITTEE REPORTS**

**Larry Vittum**

Trustee Vittum reported on the following;

- Police Services Committee update
- Attendance at Coffee with a Cop Event, sponsored by Adams and Arapahoe County Sheriff's Office, Friday, August 22, 2014

**Sue Horn**

Mayor Horn advised she will be in attendance at the following events;

- Colorado Municipal League Mayors Summit, Thursday, September 11, 2014
- Colorado Leadership Forum, Friday, September 12, 2014

**Charles Bayley**

Mayor Pro Tem Bayley informed the Board Limon Town Manager, David Stone, has been chosen by the Colorado Municipal League Executive Board to head the CML Policy Committee.

The Mayor declared a meeting recess at 9:15 p.m. The meeting was resumed at 9:26 p.m.

TRUSTEE VITTUM MOVED, TRUSTEE LEE SECONDED to extend the Board Meeting past 10:00 p.m. The Mayor declared the motion carried by a unanimous voice vote.

**9. EXECUTIVE SESSION**

1. **For the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); – *Antelope Hills Washout***

TRUSTEE BAYLEY MOVED, TRUSTEE VITTUM SECONDED to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); and the following additional details are provided for identification purposes – *Antelope Hills Washout*.

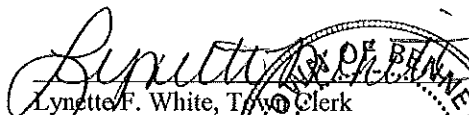
The Mayor declared the motion carried by unanimous vote. The Board went into executive session at 9:28 p.m.


The Board came out of executive session at 10:19 p.m. The Mayor announced that the Board had been in executive session and the following persons participated in that session: Charles Bayley, Sue Horn, Grider Lee, Jim Pieters, Larry Vittum, Trish Stiles, Melinda Culley, Daymon Johnson, Dan Giroux, and Lynette White. The Mayor asked if there were any matters not included in the motion for an executive session or violations of the Open Meetings Law, and if so, that these concerns be stated for the record. No concerns were presented.

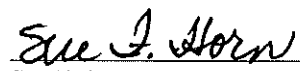
The Board of Trustees returned to the open meeting at 10:19 p.m. and the public was invited to return to the Board Room. There were no members of the public present.

10. ADJOURNMENT

TRUSTEE VITTUM MOVED, TRUSTEE PIETERS SECONDED to adjourn the meeting. The Mayor declared the motion carried by unanimous vote. The meeting was adjourned at 10:20 p.m.

  
Lynette F. White, Town Clerk



  
Sue F. Horn, Mayor